

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8142 of 2020**

- Ramadhar @ Rama Patel, S/o Shri Shravan Patel, Aged About 28 Years, R/o Village Bhaisapasra Baloda Bazar, Police Station- Baloda Bazar, District- Baloda Bazar Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through: Station House Officer, Police Station City Kotwali, Baloda Bazar, District- Baloda Bazar Chhattisgarh.

---- Respondent

For Applicant	Shri Yogesh Chandra, Advocate.
For State	Shri Vimlesh Vajpayee, G.A.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

02/12/2020

1. Heard on admission.
2. The application is admitted for hearing.
3. With the consent of the parties, the matter is heard finally.
4. The applicant has preferred this application under Section 439 of Cr.P.C. as he is in jail since 18.09.2020 in connection with Crime No.575/2020 registered at Police Station- City Kotwali, Baloda Bazar, District- Baloda Bazar , C.G. for the offence punishable under Sections 457, 380, 34 of Indian Penal Code.

5. Case of the prosecution, in brief, the complainant lodged a report alleging that on the intervening night of 05-06.09.2020, some unknown persons broke the lock of his shop and committed theft of rice amounting to Rs. 26,000/-. On report being lodged to the above effect, offence under the aforesaid sections have been registered against the applicant.
6. Learned counsel for the applicant submits that the applicant is an innocent person and has been falsely implicated in this case. He also submits that the applicant is in jail since 18.09.2020 and conclusion of the trial is likely to take some time. Therefore, the applicant be released on bail by imposing suitable conditions.
7. On the other hand, learned counsel for the State opposes the bail application.
8. Heard learned counsel for the parties.
9. Considering the facts and circumstances of the case, the detention period of the applicants and that the trial is likely to take some time for conclusion, without commenting anything on merits of the case, this Court is of the opinion that present is a fit case for grant of bail to the applicant. Accordingly, the application is allowed. It is directed that in the event of applicant executing a personal bond for a sum of **Rs.1,00,000/-** with two sureties of Rs.50,000/- each to the satisfaction of the concerned trial Court, he shall be released

on bail on the following conditions:-

- (i) He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the Court,
- (ii) He shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) He shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.
- (iv) He shall not involve himself in any offence of similar nature in future.

Sd/-
Gautam Chourdiya
Judge

Ruchi